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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/592,241	06/13/2000	Jeff C. Kunins	TM00-004.US	5696

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BEVER, HOFFMAN & HARMS, LLP
1432 CONCANNON BLVD
BLDG G
LIVERMORE, CA 94550-6006

EXAMINER

WOOD, WILLIAM H

ART UNIT	PAPER NUMBER
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2124

DATE MAILED: 10/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/592,241

Applicant(s)

KUNINS ET AL.

Examiner

William H. Wood

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 1-29 are pending and have been examined.

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 19 July 2004 has been entered.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The use of "optionally" in line 5 of the claim renders the claim indefinite as to what specifically is being claimed. The claim is interpreted under its broadest reasonable interpretation and therefore does not include "optionally a custom trace".

4. Claim 11 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant

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regards as the invention. Claim language "(URI)" should read "(URL)" as is interpreted as such.

5. Claim 19 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim language "at form" should read "platform" as is interpreted as such.

6. Claim 23 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 23 recites the limitation "the XML" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-2, 4-7, 9-17, 19-21, 24-26 and 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Leask** et al. (USPN 6,412,106) in view of **House** et al. (USPN 6,119,247).

Claim 1

Leask disclosed a method of supporting development of a phone application code for a computer based phone application platform having a network interface and a telephone interface (*figures 4-5; column 9, line 58 to column 10, line 8*), the method comprising:

- ♦ receiving the phone application code over the network interface from a remote computer (*column 7, line 65 to column 8, lines 6; column 18, lines 26-41*);
- ♦ responsive to receiving a telephone call via telephone number,
 - ♦ executing the phone application code (*column 18, lines 42-44; column 16, lines 47-49*);
 - ♦ presenting an audio output over the telephone interface (*column*); and
 - ♦ presenting a call flow to the remote computer over the network interface (*column 9, lines 57-61*), the call flow tracking a flow of execution for a phone call (*column 9, line 63; column 12, lines 18-19*).

Leask did not explicitly state *associating the phone application code with a telephone number for communicating with the telephone interface*. **Leask** demonstrated that it was known at the time of invention to receive and answer incoming telephone calls (*column 13, lines 10-11, telephone calls inherently operate on associated telephone numbers*). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the phone application testing environment of **Leask** with associating telephone numbers with the phone application as suggested by **Leask's** own teaching. This implementation would have been obvious because one of ordinary

skill in the art would be motivated to provide and test a fully operational runtime system (column 18, lines 42-43) for the most accurate testing possible.

Leask did not explicitly state *via a development platform web server and using a web protocol*. **House** demonstrated that it was known at the time of invention to utilize the web or HTML or HTTP protocol for development and debugging of applications (column 8, lines 20-29; figure 4). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the graphical remote debugging system of **Leask** with web protocol development platform as found in **House's** teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated to provide users of a large portion of the market with a standard and highly used protocol available to all (column 2, lines 20-34).

Claim 2

Leask and **House** disclosed the method of claim 1, wherein the call flow shows a flow of program control in the phone application code during the telephone call (**Leask**: figures 4-5 and column 9, line 58 to column 10, line 8).

Claim 4

Leask and **House** disclosed the method of claim 1, wherein the call flow is concurrent with execution of phone application code on the computer based phone application platform (**Leask**: column 17, lines 42-54).

Claim 5

Leask and **House** disclosed the method of claim 1, wherein the receiving comprises receiving an HTTP request including form data, the form data comprising the phone application code (**House**: *disclosed HTTP protocol*).

Claim 6

Leask and **House** disclosed the method of claim 1, wherein the computer based phone application platform operated by a first legal entity and wherein the remote computer operated by a second legal entity different from the first legal entity (**Leask**: *column 7, line 66 to column 8, lines 6*; **House**: *disclosed the internet; thus multiple legal entities*).

Claims 7

The limitations of method claim 7 correspond to method claim 1 and therefore are rejected in the same manner.

Claim 9

Leask and **House** disclosed the method of claim 7, wherein the remote computer does not include specialized phone application development software (**Leask**: *column 9, lines 63-66*).

Claim 10

The limitations of method claim 10 correspond to method claim 1 and therefore are rejected in the same manner. Note, **House** disclosed internet and web protocols and thus URI's and URL's

Claim 11

Leask and **House** disclosed the method of claim 10, wherein the reference comprises a uniform resource locator [(URL)] (*House: column 2, lines 20-35*).

Claim 12

The limitations of method claim 12 correspond to method claim 1 and therefore are rejected in the same manner.

Claim 13

Leask and **House** disclosed the method of claim 10, wherein the call flow is concurrent with execution of phone application code on the computer based phone application platform (*Leask: column 17, lines 42-54*).

Claim 14

The limitations of claim 14 correspond to the limitations of method claim 6 and as such are rejected in the same manner.

Claim 15

The limitations of method claim 15 correspond to method claim 10 and therefore are rejected in the same manner.

Claim 16

Leask and **House** disclosed the method of claim 15, further comprising sending a second message to the second computer system, the second message indicating the telephone number for accessing the phone application on the phone application platform (*see discussion under claim 1*).

Claim 17

The limitations of method claim 17 correspond to method claim 13 and therefore are rejected in the same manner.

Claim 19

Leask and **House** disclosed the method of claim 15, wherein the presenting is capable of selecting the debugging information for a particular ongoing execution of the phone application on the phone application [platform] (**Leask**: column 17, lines 42-54).

Claim 20

Leask and **House** disclosed the method of claim 15, wherein the presenting is capable of selecting the debugging information for all ongoing executions of the phone application on the phone application platform (**Leask**: column 17, lines 42-54).

Claim 21

Leask and **House** disclosed the method of claim 15, further comprising a web interface for selecting the types of debugging events (*note **House's** use of web*).

Claim 24

Leask and **House** disclosed the method of claim 15, wherein responsive to the sending the first message, the phone application platform configured to retrieve and execute the phone application at the URI responsive to a call to the telephone number (*see claim 1 above*).

Claim 25

Leask and **House** disclosed the method of claim 24, wherein the phone application platform is configured to execute the phone application responsive to receipt of an identifier at start of a call to the telephone number (**Leask**: column 17, lines 15-27).

Claim 26

Leask and **House** disclosed the method of claim 24, wherein the phone application is provided by a developer having a corresponding identifier, and wherein the phone application platform is configured to execute the phone application responsive to receipt of the identifier at start of a call to the telephone number (**Leask**: column 7, line 66 to column 8, line 6; column 18, lines 25-41).

Claims 28-29

The limitations of apparatus claims 28 and 29 correspond to method claims 1 and 15, respectively, and therefore are rejected in the same manner.

9. Claims 3, 8 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Leask** et al. (USPN 6,412,106) in view of **House** et al. (USPN 6,119,247) as applied to claim 1 and in further view of Dictionary of **Computing**.

Claim 3

Leask and **House** disclosed the method of claim 1, further including receiving a plurality of selectable types of debugging events usable in the call flow (column 15, line 64 to column 16, line 7), wherein types of debugging events include errors (column 20, lines 5-8) **Leask** did not explicitly state a general flow trace, an event trace, a field fill trace, a variables trace. **Computing** demonstrated that it was known at the time of invention to provide traces, such as general flow, event, field fill (a type of variable) and variable

(page 507-508, "trace program"). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the graphical debugging system of **Leask** with a variety of traces for debugging as found in **Computing**'s teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated to an accurate depiction of a program's behavior (**Computing**: page 507) for debugging purposes using a variety of debugging actions (**Leask**: column 15, line 64 to column 16, lines 7).

Claim 8

The limitations of method claim 8 correspond to the limitations of method claim 3 and as such are rejected in the same manner here.

Claim 22

Leask and **House** disclosed the method of claim 21, wherein the types of debugging events can comprise debugging output from phone application states, phone application events, phone application field fills, phone application variables, and custom debugging messages (*see above claim 3 and **Leask**: column 14, line 62 to column 16, line 7*).

10. Claims 18 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Leask** et al. (USPN 6,412,106) in view of **House** et al. (USPN 6,119,247) in further view of **VoxML 1.0 Application Development Guide**.

Claim 18

Leask and **House** did not explicitly state the method of claim 15, wherein the presenting provides the debugging information in an extensible markup language (XML). **VoxML** demonstrated that it was known at the time of invention to provide phone information written in XML (page 4, section "VoxML"). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the phone applications of **Leask** and **House** with VoxML as found in **VoxML**'s teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated to provide a language useful to the task for which it is being used (page 4, section "VoxML"; "language designed specifically for voice applications") and thus account for the problems/inefficiencies of a generic language.

Claim 27

Leask and **House** did not explicitly state the method of claim 15, wherein the phone application comprises an application written in an XML-based voice application language. **VoxML** demonstrated that it was known at the time of invention to provide a phone application written in an XML based voice language (page 4, section "VoxML"). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the phone applications of **Leask** and **House** with VoxML as found in **VoxML**'s teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated to provide a language useful to the task for which it is being used (page 4, section "VoxML"; "language designed specifically for

voice applications”) and thus account for the problems/inefficiencies of a generic language.

11. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Leask** et al. (USPN 6,412,106) in view of **House** et al. (USPN 6,119,247) in further view of **Chuah** et al. (USPN 6,232,984).

Claim 23

Leask and **House** did not explicitly state the method of claim 15, wherein the debugging information in the XML comprises a hypertext markup language with color coded messages, and wherein different colors are used for different types of debugging events. **Chuah** demonstrated that it was known at the time of invention to provide for color coded information for types of code and thus debugging (column 9, lines 18-32). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the debugging system of **Leask** and **House** with color-coded information as found in **Chuah**'s teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated to provide visual aid to software development (**Chuah**: column 9, lines 18-32; **Leask**: uses GUI interface).

Response to Arguments

12. Applicant's arguments with respect to claims 1-29 have been considered but are moot in view of the new ground(s) of rejection.

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Correspondence Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William H. Wood whose telephone number is (703)305-3305. The examiner can normally be reached 7:30am - 5:00pm Monday thru Thursday and 7:30am - 4:00pm every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (703)305-9662. The fax phone numbers for the organization where this application or proceeding is assigned are (703)746-7239 for regular communications and (703)746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

William H. Wood
October 15, 2004

Kakali Chaki

**KAKALI CHAKI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100**